



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HEUNIG

Serial No.: 10/049,464

Group Art Unit: 1614

Filed: June 18, 2002

Examiner: Unassigned

For: USE OF CD28 SPECIFIC MONOCLONAL ANTIBODIES  
FOR PRODUCING A PHARMACEUTICAL COMPOSITION FOR TREATING VIRUS  
INFECTIONS.

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE U.S. POSTAL SERVICES AS FIRST CLASS  
MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT  
COMMISSIONER OF PATENTS

WASHINGTON, D.C. 20231 ON: 8/28/02

NAME: Brian H. Hasty

SIGNATURE: [Signature]

PATENT: [Signature]

**CITED MATERIALS**

Applicant(s) hereby disclose the information listed in the attached form PTO-1449.

- ☐ Copies of materials listed but not attached were cited in parent application Serial No. \_\_\_\_\_; see 37 C.F.R. § 1.98(d).
- ☒ Copies of materials listed but not attached were cited in an International Search Report dated July 27, 2000; receipt of the International Search Report and copies of references was confirmed by the PCT International Division of the U.S. PTO in the Notice of Acceptance mailed July 10, 2002.

**LANGUAGE**

- ☐ All listed materials are in the English language; see 37 C.F.R. § 1.98.
- ☐ Non-English language references:
- ☐ The reference(s): \_\_\_\_\_ in the English-language is (are) indicated by commercial data bases to correspond to the reference(s): \_\_\_\_\_, respectively.
- ☐ (An) English-language translation(s) of the references: \_\_\_\_\_ is (are) provided.
- ☐ A commercial English-language abstract of reference(s) \_\_\_\_\_ is (are) provided.
- ☐ An English-language search report or an equivalent paper from a foreign patent office translated into English in pertinent part in connection with a counterpart foreign application, is provided indicating the relevance of the cited reference(s).

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## FEES

- ☒ No fee is required for this Information Disclosure Statement because:
  - ☐ This Information Disclosure Statement is being filed within three months of the filing date of a national application (other than a CPA) under § 1.53(d) or within 3 months of the date of entry of the national stage under § 1.491 in an international application;
  - ☒ This Information Disclosure Statement is being filed before the mailing of a first action on the merits;
  - ☐ This Information Disclosure Statement is being filed after a first action on the merits but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that closes prosecution in the application, and is accompanied by a certification below.
  - ☐ This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(i).
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  - ☐ This Information Disclosure Statement is being filed after the mailing date of a final rejection or a notice of allowance under § 1.311 or an action that closes prosecution, but before the payment of the issue fee, and is accompanied by the fee set forth in § 1.17(p) and a certification below.

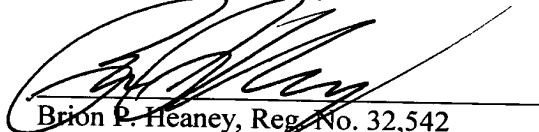
## CERTIFICATION

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, having made reasonable inquiry, no such item was known to any individual designated in 37 CFR § 1.56(c), more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

If a fee is due, attached is a check in the amount of \$ \_\_\_\_\_. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



Brion P. Heaney, Reg. No. 32,542  
Attorney/Agent for Applicants

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Attorney Docket No.: ALBRE-23

Date: August 28, 2002

BPH:cas

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet

1

of

2

**C mplete if Kn wn**

Application Number

10/049,464

Filing Date

6/18/2002

First Named Inventor

**HUENIG**

### Group Art Unit

1614

**Examiner Name**

## Unassigned

Attorney Docket Number

ALBRE-23

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

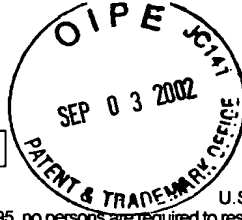
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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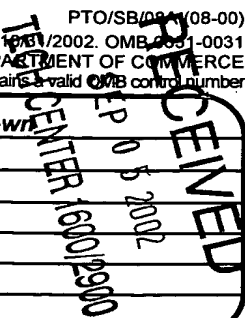
## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 2

Complete if Known

Application Number	10/049,464
Filing Date	06-18-2002
First Named Inventor	HUENIG
Group Art Unit	1614
Examiner Name	Unassigned
Attorney Docket Number	ALBRE-23



### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	6	M.HEZAREEH ET AL., "Differential T Cell Induction of Productive HIV Replication in Samples From Patients on Prolonged Suppressive Therapy", <u>CONFERENCE ON RETROVIRUSES AND OPPORTUNISTIC INFECTIONS</u> , 1998, pg. 183 Vol. 5	
	7	U. HENGGE ET AL., "Randomized, Controlled Phase II Trial of Subcutaneous Interleukin-2 in Combination With Highly Active Antiretroviral Therapy (Haart) in HIV Patients", 1998, pp. F225-F234, Vol. 12, No. 17	
	8	T-W CHUN ET AL., "Effect of Interleukin-2 on the Pool of Latently Infected, Resting CD4+ T Cells in HIV-1-Infected Patients Receiving Highly Active Anti-Retroviral Therapy", <u>NATURE MEDICINE</u> , June 6, 1999, pp. 651-655, Vol. 5, No. 6	
	9	T-W CHUN ET AL., "Quantification of Latent Tissue Reservoirs and Total Body Viral Load in HIV-1 Infection", <u>NATURE</u> May 8, 1997, pp 183-188, Vol 387, No. 6629	
	10	E. Barker et al., "CD28 Costimulation Increases CD8+ Cell Suppression of HIV Replication", <u>The JOURNAL OF IMMUNOLOGY</u> , November 15, 1997, pp.51213-5131, Vol. 159, No. 10	

Examiner Signature		Date Considered	
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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